



Vital Access thru Captioning



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February 29, 1996

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Mr. William F. Caton
Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RECEIVED

MAR 12 1996

FOO MAIL ROOM

Dear Mr. Caton:

Enclosed please find one original and four copies of our comments in the matter of the Notice of Inquiry regarding Closed Captioning and Video Description of Video Programming, MM Docket No. 95-176.

Thank you for your assistance.

Sincerely,

Jeffrey M. Hutchins
Vice President & General Manager

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Notice of Inquiry regarding
Closed Captioning and Video
Description of Video Programming
(FCC 95-484)

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DOCKET FILE COPY ORIGINAL

MM Docket No. 95-176

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MAR 12 1996

COMMENTS OF VITAC
A DIVISION OF AMERICAN DATA CAPTIONING, INC.
IN RESPONSE TO NOTICE OF INQUIRY

1. INTRODUCTION

VITAC is pleased to comment on the above-captioned Notice of Inquiry. VITAC is celebrating in 1996 its 10th anniversary as an independent business providing captioning services to broadcasters, the cable industry, government, and other producers of video programming. VITAC is the third-largest provider of captioning services in the United States, with headquarters in Pittsburgh, PA, and captioning facilities in Burbank, CA, and Washington, DC. Formerly doing business as CaptionAmerica, the company has been a frequent commenter to the FCC in captioning-related matters, and its comments have been frequently cited in previous FCC rule makings. VITAC is a member of the Television Data Systems Subcommittee (TDSS) within the Electronic Industries Association / Consumer Electronics Manufacturers Association (EIA/CEMA), and was the primary author of the EIA's draft document adopted by the FCC in its Report and Order implementing the *Television Decoder Circuitry Act of 1990*.

2. THE PUBLIC INTEREST BENEFITS OF CAPTIONING

As noted in the Notice of Inquiry, "captioning allows persons with hearing disabilities to enjoy fully the world of television" (§III, ¶10). This still-young technology also serves other purposes. VITAC believes the five major goals of captioning are:

- providing access to video information for millions of people who are deaf and hard-of-hearing,
- increasing literacy among Americans of all ages and abilities,
- helping people learn English as a second language,
- allowing viewers to follow a program even when they are in a noisy environment (such as an airport lobby) or a quiet environment (such as a hospital room), and
- improving comprehension of video materials among all viewers.

In recognition of at least the first two goals above, the Minnesota state legislature in 1995 passed a bill (H.F. 1048/S.F. 846) requiring that videotapes must be captioned (effective June 1, 1997) in order to be sold to educational institutions, training facilities, or medical facilities in that state. It also requires captioning on videos produced by governmental entities within the state. The people of Minnesota have thus said that captioning is vital in its ability to serve the public interest. Indeed, the very name of this commenter's company, VITAC -- which stands for VITal ACcess -- indicates the attitude of the company as regards the importance of this service.

3. CURRENT AVAILABILITY OF CLOSED CAPTIONED VIDEO PROGRAMMING

(A) Program Sources

Absent an industry-wide association or trade group, there is no single body which collects and updates data on which programs are or have been captioned. VITAC urges the FCC to provide a snapshot of the current level of captioned programming based on all responses to the NOI. In that spirit, VITAC is pleased to provide a list, attached as Appendix A, of all programs for which VITAC is currently providing captioning services. In addition, Appendix B lists those programs previously captioned by VITAC which remain available to the public through repeat broadcasts or videotape distribution. For most of its 10 years, VITAC has specialized in captioning live programs which, in most cases, contain time-critical material and which are not available for reuse.

Based solely on direct business volume, VITAC concludes that the amount of captioned programming has been increasing and continues to rise slowly but steadily. In nearly all cases, VITAC's increase in the business has been the result of contracts to caption new programs or archival material never before captioned; very little of the increase has been a result of work shifted from other captioning agencies. Therefore, VITAC's experience suggests that more overall programming is being captioned today than ever before.

Except for the 40 hours weekly which VITAC captions for CNN Headline News, only a tiny percentage of VITAC's workload is for programming carried exclusively on

cable TV. Such cable programs include two half-hour series on The Learning Channel ("Simply Style" and "Furniture to Go") and a 26-episode series of one-hour programs on Lifetime ("Intimate Portraits"). Taken together, these three series equal about 5% of VITAC's offline (pre-recorded program) captioning, and 1% of all VITAC captioning when online (live program) captioning is added. CNN Headline News represents about 38% of all live programming currently captioned by VITAC for public viewing. (Many live private satellite conferences are also captioned but not counted in the overall tally.) Only one locally produced and distributed program is captioned -- "Inside Maryland," seen on Maryland Public Television. See Appendix C for the breakdown of live programs captioned by VITAC.

VITAC captioned approximately 20 home video titles during 1995. The company also captioned NCAA Basketball coverage on CBS in 1995, including (along with another agency) 100% of the NCAA Basketball Tournament. This latter event involves 63 individual games played over three weeks. Many of the games are played simultaneously and broadcast by CBS only to appropriate regions of the country. The 1995 tournament marked the first time regional sports coverage was fully captioned. CBS intends to repeat this feat in 1996.

(B) Alternative Delivery Systems

The Commission asks, under §IV, ¶14, whether there is "a need for technical standards for [non-broadcast, non-cable services] to ensure" that they "transmit intact the closed captioning they receive with programming they obtain from outside sources."

VITAC feels that there is such a need and that the Commission should take all actions open to the Commission in regards to such services. Closed captions are an integral, essential, and usually copyrighted part of such programming; any entity (other than the program's copyright holder) which intentionally or unintentionally removes captions from a program has altered, indeed damaged, the program which the program's owner exhibited. Such removal renders inaccessible to a disabled viewer what is otherwise accessible, surely a violation of the spirit if not the letter of the *Americans with Disabilities Act*. Captions cannot be added to a program without the consent of the program's copyright holder; such addition is considered an alteration of the work. The deletion of captions is certainly as great an alteration. This problem is not hypothetical. Retransmission systems regularly, if not routinely, delete, damage, or otherwise render undecodable the closed captions embedded in programs they obtain from other sources.

VITAC is aware of one video compression system -- used by many alternative service providers -- which will delete closed captions. That system, produced by Compression Labs, Inc., has been redesigned so that new equipment preserves caption data, but older equipment, still in use in many places, such as the Pennsylvania Cable Network (which distributes video of Pennsylvania state government proceedings), will destroy captions.

As to the extent that such alternative providers caption any original programming, VITAC has never been asked to caption (or even to bid on) any such programming.

The Commission should also consider whether there is a need for technical standards regarding caption deletion in standard broadcast and cable services. If, as stated above, the alternative service providers are to be restricted in their ability to delete captions intentionally or non-intentionally, then that same restriction should apply to local broadcast affiliates and cable franchises. There appears to be a regular problem with momentary unintentional deletions of captions to display affiliate logos, weather advisory graphics, and lists of school closings. Consumers find these interruptions terribly annoying. They are also totally unnecessary, since the technology exists, at reasonable cost, to "bridge" the caption data from a network feed onto the local retransmission.

(C) Previously Published Programming

VITAC has limited experience in closed captioning this type of programming. The company is currently captioning 104 episodes of the 1960's series "Wild, Wild West" being redistributed by Paramount. It is the only such series captioned by VITAC, thus it is difficult to identify any trend regarding captioning of older material.

(D) Impact of Digital Television

In §IV, ¶17, the Commission asks for comments on the impact of Advanced Television (ATV) on closed captioning. VITAC's commenter is an active member of the Advanced Television Closed Captioning Working Group (ATVCC) which has been assembled through the Television Data Systems Subcommittee (R-4.3, also known as the TDSS) of the Electronic Industries Association (EIA). The ATVCC has been

meeting regularly since 1993 to address the very issues raised in the NOI. The group -- a consortium of captioning agencies, caption encoder manufacturers, and TV receiver manufacturers -- has communicated frequently with digital-television designers (especially the "Grand Alliance" designing High-Definition TV) to ensure that closed captioning receives full consideration and support in all ATV specifications. The ATVCC has written the initial draft of a specification, to be published by EIA as document EIA-708, for a future, advanced captioning transmission and display system. Backwards compatibility between the new ATVCC and the current analog Line 21 system has been one of the design goals of the working group. VITAC is confident that backwards compatibility can be achieved without sacrificing the opportunity to create an improved captioning system for future generations. The ATVCC has convened focus groups of caption consumers to learn how best to improve captioning. One of the most important advances sought by viewers is the ability to control the size of the characters displayed in a caption, effectively to have a "caption volume control." This feature will especially benefit those hearing-impaired viewers who also have some degree of vision impairment and cannot easily read the current-system captions due to the relatively small size of the characters (less than 1/15th screen height). The ATVCC has successfully incorporated into EIA-708 a design which would allow for such consumer control, plus other new features seen as desirable. The issue of minimum requirements for ATV caption decoders will be an appropriate one for future Commission proceedings.

4. THE COST OF CLOSED CAPTIONING

(A) Cost Issues

The NOI cites previously published statistics reporting that a one-hour program requires 20-30 person-hours to caption at a cost of about \$2,500. Even in 1990, when those statistics were compiled, VITAC (then called CaptionAmerica) charged about half that much to caption a one-hour program. Today, VITAC's rates are even lower thanks to improvements in captioning software, lower computer costs, and increased volume.

Cost statistics can be highly misleading, and VITAC cautions the Commission to be careful in comparing pricing information from different agencies. One must look at the type of program being captioned and the method of delivery. The most basic difference is live versus pre-recorded programming. Live shows tend to cost less to caption, even though the stenocaptioners used to create live captions are more highly paid than the people trained to caption pre-recorded shows. The reason for the cost difference is that more person-hours will be expended in captioning the latter.

A pre-recorded program requires the captioner to transcribe the program from videocassette (the production of which is also an additional cost factor), verify the accuracy of the transcript, break the script into discrete captions, assign appropriate screen placement to each caption, time the appearance and disappearance of each caption, reconcile any conflicts caused by the slow data rate of the Line 21 system, review the finished product, and convey the resulting caption data file to an encoding facility to be recorded onto the videotape master of the program. VITAC finds this

process to take between 16 to 24 person-hours, depending on the complexity of the program's content and whether or not the program contains commercial breaks. (A "one-hour" show with commercials is actually less than 50 minutes in length.)

By comparison, a fully live program (in which the captioner gets no advance script) requires perhaps four hours of advance research and preparation, two person-hours on air (a court reporter -- called a stenocaptioner -- transcribing the words and an assistant -- called a coordinator -- monitoring the process and fixing realtime errors where possible), and two hours post-production work archiving the data and examining the program for quality-control purposes. The diligent live captioner may invest 8 person-hours on a live one-hour program (which takes a full hour on air with or without commercials). Some smaller agencies do not use a coordinator on live programs, an approach which increases the number of errors in the captions and cuts the person-hours nearly in half. The major captioning companies, especially when working on national programs, always use a coordinator to assist the stenocaptioner. However, it is worth noting that a live program, unlike a pre-recorded show, will not increase person-hours proportional to the increase in program length. In other words, if a one-hour drama needs 20 hours to caption, a similar two-hour drama will need 40 hours. But if a one-hour live seminar needs 8 hours of work, the same seminar running two hours may need only 12 hours. There are, of course, exceptional programs such as Olympics, which, due to the phenomenal number of unique proper nouns and phrases, will require double the usual amount of pre-air research and preparation.

It can be misleading even to compare the costs for one live show against another. For example, the quality of captioning a news program increases when the captioner uses any pre-scripted material that may be available, and captioners are generally expected to retrieve and clean up such material instead of creating the captions in realtime for those pre-scripted portions of the program. Thus, a news show may be slightly more labor intensive than, say, a live sports program.

Captioning costs also vary because of the volume of work involved, program length, and production factors. For example, it costs more to caption a one-time one-hour special than a one-hour daily program. VITAC's rate card shows that a one-hour live program costs \$810, yet many clients pay less because they contract with VITAC for more than a single hour. Similarly, VITAC's rate card indicates that a one-hour pre-recorded program will cost \$1232, which includes \$1050 for captioning and \$182 for encoding. Most clients pay significantly less than \$1050 because they have a series of programs which can be captioned over an extended time period. While VITAC's published rates are all-inclusive, that is not true of every agency. Some will show an extremely low cost per hour, but then have "add-ons," such as charges for transcription, work tapes, and other steps which are almost always necessary and which then bring the final price up substantially. It is safe to say that the cost of one hour of high-quality captioning, including preparation and delivery charges (but not offline encoding) is typically below \$1000 for pre-recorded programs and below \$800 for live programs. No significant impact on rates is expected when captioning for digital television.

(B) Funding Issues

The funding of closed captioning services has an inconsistent and strange history. In the early days, captioning was seen by program producers primarily as a charitable enterprise. This notion was given credence by the fact that the first two captioning agencies -- the WGBH Caption Center and the National Captioning Institute -- operated as non-profit corporations. When VITAC was founded in 1986, it was criticized by some in the deaf community for attempting to make a profit off deafness, in response to which VITAC asked, "Should everything done for deaf people be considered charity, or should deaf people be seen as a significant consumer group?" Nowadays, the deaf community is proud to promote itself as a sizable population of self-supporting consumers with significant buying power, and there is no longer criticism of captioning as a for-profit venture.

Prior to the passage of the *Television Decoder Circuitry Act* in 1990, and the empowerment of the deaf community with such events as the *Deaf President Now* movement at Gallaudet University in 1988, the attitude of many TV program producers towards captioners was: "We will be happy to let you caption our program as long as you find the means to pay yourselves to give us this service." Unfortunately, some early captioning companies fell into this trap, competing with each other not to bring prices down but to raise funds for any producer willing to cooperate. In this way, producers were "taught" to expect outside funding; if they did not pay for it, someone else would find the money. The captioners' need to engage in fund raising became an additional expense, and the cost of the captioning increased.

With caption decoder sales sluggish through the 1980's, most producers found little incentive to caption. The notable exceptions were the commercial broadcast networks, PBS, and an occasional pioneer such as "The Oprah Winfrey Show." The U.S. Department of Education, eager to see captioning reach its full potential, pumped more and more funding into more and more priorities: first movies and news, then children's programming, then syndication and sports. With each new grant, the amount of captioned programming available would increase substantially even while more program providers were learning to hold back on putting up their own money.

The "double whammy" of the TDCA and the ADA, both passed in 1990, finally began to break up the funding logjam. By mid-1994, decoder-equipped TV's were in nearly 20 million homes. (Today, the number is closer to 50 million.) "Accessibility" became a genuine concern for American business, including the TV business. Ads for TV sets began to tout captioning, and program providers gained an appreciation for the caption audience, but years of public subsidy of captioning meant that many providers still looked to fund captioning outside their production budgets. "Billboards" at the ends of programs began to proliferate, mini-ads announcing that "Captioning for this program was paid for by NorthSouth Airlines," or some other sponsor.

Although billboard sponsorship may work on some programs, it is not as practical on others. Some broadcasters have already stated their discomfort with billboards. Furthermore, billboards have the disadvantage of suggesting that the captioning is somehow separate from the program, a notion that captioners have fought hard to dispel. Though billboards have solved some problems related to caption funding, they

cannot and will not solve all problems. Sponsors must be willing to pay for captioning without necessarily getting extra credit (in the form of additional advertising time) for doing so. (There are no billboards saying "Sound paid for by..." or "Set design sponsored by...") The idea, announced in the NOI, of offering tax incentives to sponsors, at least for a brief interim period, may be just what is needed.

That raises the question of what will replace these traditional funding mechanisms? Certainly, if the federal funding were to disappear overnight, a severe burden would be placed on the television industry, one it would not instantly be prepared to carry. The logical place to fund captioning is from the production budget of all new programming, but it will take time for the TV production establishment to change over to such a system. And production budgets don't exist for previously exhibited programs being repackaged and rerun. Therefore, efforts need to begin to put captioning into the overall production budgets of all programs. VITAC and other agencies are helping in this effort by striving to bring captioning costs down, but prices have probably just about bottomed out.

If funding captioning services were not a problem, there would be no congressional mandate for captioning in the *Telecommunications Act of 1996*. The funding problem is at the core of the dearth of captioning in some quarters. Achieving the main goal of this portion of the Act -- to increase accessibility of television programs -- will require the good will and expertise of the program providers to find funding solutions. The Commission should consider novel approaches to ease the burden of the mandate on the TV industry.

5. MANDATORY CAPTIONING ISSUES

(A) *Sign Language*

In §VII, ¶29 of the NOI, the Commission asks, "Are there other factors that would be relevant" in "determining whether closed captioning would impose an undue economic burden" as per the language of the *Telecommunications Act of 1996*? VITAC will leave it to other commenters to decide which factors may be added to the list, but feels that one factor already on the list should receive little if any weight in deciding exemptions. That factor is sign language. The House language provides that one factor the Commission shall consider is "the existence of alternative means of providing access to the hearing impaired, such as signing." Sign language *does not* provide a level of access even close to that of captioning. The largest number of people with hearing impairments are older citizens, very few of whom know any sign language. Even among deaf people for whom sign language is their primary means of communication, the ability to understand a program from a tiny signer in a corner of the screen is limited. It has been said that no more than 30% of all deaf people use sign language, and that only 30% of those know it well enough to understand a TV interpreter. If true, those statistics mean that only 9% of people who are deaf would benefit from sign language interpretation with a TV program, while nearly 100% benefit, or can benefit, from captioning. VITAC urges the Commission to grant a captioning exemption based on sign language only to those programs in which sign language is the primary means of communication, and not to those programs in which a signer is interpreting the words of another speaker.

(B) Exemption Guidelines

In ¶30, the Commission asks for ideas on creating a formula or set of guidelines for exempting programs from captioning requirements. In light of the difficulties inherent in broad formulae for exemptions, VITAC tends to believe that case-by-case determination of exemptions will be more fair to both the program providers and to caption consumers. For instance, although total production cost is a convenient, and presumably fair, gauge for new productions, it will be a nearly useless instrument for previously published works being re-released into broad distribution. Using audience size as a gauge would seem to apply more evenly to all new and rerun programming, but has the distinct disadvantage of being difficult, and in some cases, impossible to predict or to measure, especially because of differences in potential audience, projected audience, and actual audience.

Furthermore, production cost and audience size nearly always are directly related, with audience size being the driving factor. Production budgets for local and special-interest programs are generally smaller than budgets for national or general-interest programs. (A small target audience almost always guarantees a small budget, though a small budget does not always guarantee a small audience.) The producer working on a smaller budget has to make sacrifices: more modest sets (if any), fewer camera angles, no high-priced talent, no retakes, cheaper tape format, etc. That producer will also want the cheapest possible captioning. The problem is, it costs the same to caption a low-budget hour-long program as to caption a high-budget one-hour show. Or does it?

By whatever means the Commission chooses to grant exemptions, it should be aware that there is today a "class structure" in captioning services which relates to this phenomenon. Low-budget producers look for low-cost captioning. They get it the same way they cut other costs -- by making sacrifices. The two most common sacrifices are reliability of service and captioning quality. (More comments on the accuracy of captions follow on page 19.)

Prior to the passage of the TDCA in 1990, there were virtually no small, local captioning companies, and there was no commercially available software for creating captions. Each of the national companies had developed their own proprietary captioning software. The TDCA spawned a boom in the captioning industry; software developers marketed low-cost PC-based programs which allowed many individuals to start captioning businesses out of their homes or to add captioning services to their product line. Suddenly, captioning "experts" were everywhere. The vast majority of these vendors had no captioning experience at all nor any knowledge of the needs of the deaf community. Most were court reporters who wished to offer realtime captioning services while maintaining a court reporting business.

Today, there are dozens of such "mom and pop" captioning enterprises. Several captioning "companies" are nothing more than a conglomeration of free-lance court reporters working out of their homes using a PC, a modem, and an audio signal received over telephone lines so they can listen to (but not watch) the program they are captioning which, frequently, is produced in a different city in a different time zone.

Generally, the at-home stenocaptioner does not even live or work in the same city or state where the "company" resides. They have little, if any, formal training in stenocaptioning or in the captioning technology which they are controlling. They have no ability to monitor that the captions they transmit are actually encoding properly and being viewed by consumers. The technology they use is highly reliable, but not flawless. When problems occur, the at-home stenocaptioner is usually unaware, and they cannot be reached because they are using their telephone lines to receive the audio and transmit the caption data. They virtually always work alone with no one to assist them in pre-air research or on-air corrections. They have no power back-up, no phone line back-up, no extra PC, no stand-in stenocaptioner if they suddenly become ill or have a family emergency. Though many at-home captioners produce surprisingly good work, many others do not. VITAC knows of one such person who simply erases the caption every time they make an error, which is frequently. The resulting captions are almost impossible to read; however, the stenocaptioner would not know that because they cannot see the program they are captioning.

Local news programs are the most likely to use at-home stenocaptioners. The news producer is grateful to get low-cost captioning and to be able to tell community leaders that their news is fully captioned. The quality of those captions, the fact that they are not always available, is of secondary concern to the station. (Another common problem is that remote stenocaptioners who cannot see the station's signal forget to "enable" the station's caption equipment to resume allowing network captions onto local

air. Consequently, network captions have been often inadvertently stripped following local news. The local station, assuming the missing captions are the fault of the network, do not even question whether they themselves are stripping the captions, and the consumer is left high and dry.)

National program producers do not accept this high-risk approach. They have consistently contracted with major national captioning companies whose captioners are employees working out of a central facility. The cost of these services is, of course, higher, but so is the reliability and quality of the captioning. Major captioners typically use satellite dishes and receivers to monitor full audio and video of the program they are captioning. All such equipment is fully backed up with both uninterruptible power and redundant hardware. Stenocaptioners are assisted by coordinators who help with the pre-air research (anticipation of what will be said is critical to providing accurate realtime captioning) and the on-air supervision. Extra stenocaptioners are readily available in an emergency.

VITAC encourages the Commission to seek, in its rule making, to recognize the distinction between full-service centralized captioning facilities and low-cost "wildcat" captioning vendors. The Commission should take care to devise rules which, in acknowledging that not all captioning is equal, do not hold all producers to the same standard. In other words, economic realities dictate that low-budget productions made for smaller (usually local) audiences cannot always enjoy the same high level of reliability and quality, particularly for live programs, as the high-budget productions. To

hold these two opposites to the same high standard of performance would be unfair to the low-budget producer. By the same token, to adopt a lower standard of performance for all is to guarantee that the high-budget, larger-audience shows will not retain the current high level of reliability and quality. More can and should be expected of nationally distributed programs.

(C) Captioning Accuracy

Perhaps most importantly, VITAC wishes to address the issues raised in §VII, ¶133 of the NOI, in which the Commission seeks comment on the accuracy of closed captioning. Providing highly accurate captioning is a difficult, labor intensive, and costly process, but one that VITAC feels is critical if captioning is to have any value at all to the consumer.

For the viewer who cannot hear, the extent to which they must trust the accuracy of the captions is overwhelming. If the wrong word is given, or if words are misspelled or missing, the consumer has little recourse to clear up any miscomprehension. Captions, unlike words in a book or newspaper, are impermanent. Typographical errors in print media allow the reader to pause and piece together the correct information. But the caption reader who becomes confused by a mistake does not have the luxury of pausing and looking back over previous words to deduce what was actually meant. They have but one chance to receive the correct word and comprehend it.

Part of the art of captioning is the presentation -- the manner, placement, and timing -- of the captions. ("Manner" refers to the style -- pop-on or roll-up -- and

justification -- centered, left-justified, etc. -- and shape and row division of the captions.) Presentation can significantly impact the ability of the viewer to read the caption, view the picture, and make sense of the two. Because even expert captioners cannot agree completely on what constitutes the best presentation, it is not an appropriate matter for the Commission to consider if it chooses to set any standards for quality. However, the accuracy of the basic word content is a more easily quantifiable issue.

Accuracy is a function not only of correct spelling of the correct word (some of the most inaccurate captions are perfectly spelled), but also of *completeness*. In a notorious case in Canada, a producer claimed that his show was captioned, even though only a tiny portion of the program had been done. His rationale was that he only said his program "had captions," not that it was captioned in its entirety. Clearly, his definition fell short of what any reasonable person would use.

One of the most common areas of incomplete captioning is local news programming. Most, but not all, local TV stations providing captions with their news programs are doing so by means of a captioning interface added to their talent prompting system. This method allows nearly no-cost captioning; the only expense is the one-time cost of equipment. There is no additional effort needed to generate captions beyond the effort already being expended to prompt the news reader. (Thus, this technique is called Automatic Prompter Captioning or APC.) To their credit, some stations will create prompter scripts for their videotaped reports solely so that those pieces will also have captions. But stations using APC never have captions for their

live news reports from the field or for late-breaking stories for which no prompter copy is created, and they rarely have captions on weather and sports segments. When all is said and done, most local news programs are perhaps 50% captioned. Only a handful of stations around the country provide captioning of local news bulletins. (No station in Pittsburgh captioned any of their extensive coverage of the devastating floods that hit the area in January, despite having a major captioning company in their city which offered to do that work.) And APC is often inaccurate or hard to read: captions show up and disappear minutes before the words are spoken; talent and engineering instructions are included between words; misspellings are rampant; soundbites are paraphrased; captions are displayed across the center of the screen, obliterating nearly all of the news images worth watching. The best one can say about many APC efforts is that they are better than nothing. Hopefully, the Commission will set the bar higher than that as a standard for acceptability.

VITAC believes that there is a certain basic definition that must be met before a program can be called "captioned." Title 47 of the Code of Federal Regulations (§73.682 (a)(22)(i)) already defines captions as "a visual depiction of information simultaneously being presented on the aural channel" of a program. VITAC believes that for a program to meet any mandate to be captioned, the program must be captioned completely from start to finish, and that those captions must be as close to verbatim as technically possible, with virtually all words spelled correctly. VITAC suggests no more than 0.2% of the words in a prerecorded show and 3% in a live show

may be wrong, misspelled, or missing. Exceptions to this rule should exist only when captions would significantly conflict with other information presented visually, such as graphics, credits, or pictorial information which is, at least in part, self explanatory. The Commission may wish to define a slightly more relaxed standard for situations where low-cost captioning is allowed. Beyond this clear definition of what it means for a program to be "captioned," all other quality-related issues should be left to private-industry initiatives.

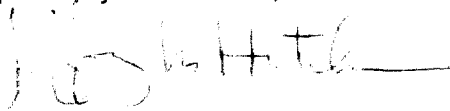
(D) Tax Deductibility of Captioning Services

In regards to the NOI's request in ¶35 for information on the taxable nature of captioning services, VITAC is currently obliged, under Pennsylvania law, to charge sales tax for captioning provided to customers within the state of Pennsylvania. VITAC has no evidence to suggest that such sales tax has been a factor in the decision of program providers in Pennsylvania whether or not to caption. No sales tax is currently charged to non-Pennsylvania-based clients. As a for-profit enterprise, VITAC does pay income taxes on profits earned.

6. CONCLUSION

VITAC wishes to thank the Commission for its diligent pursuit of knowledge of the captioning industry. Every day, captioning is improving the lives of millions of Americans who cannot fully hear and understand television. For those people, it is not a luxury. A carefully considered rule making by the Commission has the potential to affect the level and quality of captioned television for decades to come. The Commission's main work under the *Telecommunications Act's* mandate for captioning appears to be to consider if and how to grant exemptions to program providers. VITAC believes that the most important aspect of whatever exemptions are granted is to prevent the *de facto* "exemption" that accompanies poor quality or missing captions. If the Commission can ensure that those programs which call themselves "captioned" are, in fact, completely and accurately captioned, then its work will have been well and productively accomplished.

Respectfully submitted,



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APPENDIX A

National Programs Currently Captioned by VITAC

Broadcast Network, Cable Network, and Syndication

As of February 26, 1996

National News Programming

ABC

Good Morning America Sunday

CBS

CBS Morning News

CBS This Morning

Special Reports

CNN

Headline News (7pm-3am Mon-Fri)

NBC

NBC News at Sunrise

Today

Saturday Today

Sunday Today

NBC Nightly News with Tom Brokaw

Meet the Press

Special Reports

Prime Time Programming

ABC

America's Funniest Home Videos

FOX

Strange Luck

Lifetime

Intimate Portraits

NBC

Caroline in the City

PBS

Hidden Worlds

Paramount

Saturday Night UPN Movie

Special Events

FOX

New Year's Eve Special

NBC

Christmas Eve Mass from the Vatican

New Year's Eve Special

Paramount

Blockbuster Video Awards

Late Night Programming

ABC

ABC In Concert

NBC

The Tonight Show with Jay Leno

Late Night with Conan O'Brien

Later with Greg Kinnear

Saturday Night Live

Daytime Programming

CBS

As the World Turns

The Bold and the Beautiful

The Young and the Restless

Discovery/

The Learning Channel

Furniture to Go

NBC

Days of Our Lives

Sports

CBS

NCAA Basketball

Syndicated Programming

American Gladiators

Carnie

Extra

Extra Weekend Edition

Hercules: The Legendary Journeys

The Jenny Jones Show

The Lazarus Man

New Adventures of Flipper

Sweet Valley High

Wheel of Fortune

Wild, Wild West

Xena

Your Mind and Body